

REMARKS/ARGUMENTS

The Applicant originally submitted Claims 1-23 in the application. In the present response, the Applicant has amended Claims 17 and 20-23 to correct inadvertent errors. No other claims have been amended, canceled or added. Accordingly, Claims 1-23 are currently pending in the application.

I. Rejection of Claims 1-23 under 35 U.S.C. §102

The Examiner has rejected Claims 1-23 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,353,600 to Schwartz, *et al.* The Applicant respectfully disagrees.

Schwartz is directed to cellular communications systems and to dynamically allocating centralized capacity resources to remote cells in a CDMA cellular network. (*See* column 1, lines 8-11.) Schwartz does not teach, however, brokering resources of a wireless communication cell having at least one aperture array including generating, in response to a resource request, an allocation request based on available wireless communication resources of the cell subjected to a brokering process as recited in independent Claims 1, 9 and 17. In fact, the Applicant does not find where Schwartz addresses brokering resources of a wireless communication cell. Instead, Schwartz teaches a management system that executes an optimization algorithm to determine the number of CDMA signals to be assigned to cellular network cells and sectorizes those cells having more than one assigned CDMA signal by allocating different CDMA signals to different antennae of the cells. (*See* column 5, lines 26-37 and Figures 1 and 4.) Thus, instead of allocating resources based on available cell resources subject to a brokering process, Schwartz allocates antennae of the cells based on optimization algorithms. (*See* column 5, lines 46-47.) Schwartz, therefore, does not teach

generating, in response to a resource request, an allocation request based on available wireless communication resources of a cell subjected to a brokering process as recited in independent Claims 1, 9 and 17.

Since Schwartz does not teach each and every element of independent Claims 1, 9 and 17, Schwartz does not anticipate Claims 1, 9 and 17 and Claims dependent thereon. Accordingly, the Applicant respectfully requests the Examiner to withdraw the §102 rejection with respect to Claims 1-23 and allow issuance thereof.

II. Comment on Cited References

The Applicant reserves further review of references cited but not relied upon if relied upon in the future.

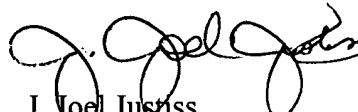
III. Conclusion

In view of the foregoing amendment and remarks, the Applicant now sees all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicits a Notice of Allowance for Claims 1-23.

The Applicant requests the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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